

REMARKS

The Official Action mailed April 15, 2009, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to August 15, 2009. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on June 12, 2006, and February 1, 2007.

Claims 19-28 were pending in the present application prior to the above amendment. Although the Office Action Summary shows that claims 1-44 are pending and that claims 1-18 and 29-44 are withdrawn, the Applicant notes that in the Amendment and Response to Restriction Requirement filed on March 18, 2009, claims 1-18 and 29-44 were canceled. Claims 20-22 and 25-27 have been canceled without prejudice or disclaimer, claims 19 and 24 have been amended to better recite the features of the present invention, and new claims 45-48 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 19, 23, 24, 28 and 45-48 are now pending in the present application, of which claims 19 and 24 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 19 and 24 as anticipated by U.S. Publication No. 2002/0137342 to Ishida. The Official Action rejects claims 19-22 and 24-27 as anticipated by JP 2003-228034 to Takaura. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claims 19 and 24 have been amended to recite passing a first laser beam through a dichroic mirror and reflecting a second laser beam at the dichroic mirror so that the first laser beam and the second laser beam have a same optical axis. This feature is supported in the published specification, for example, at paragraph [0010]. Also, the claims have been amended to recite passing the first laser beam and the second laser beam having the same optical axis through a cylindrical achromatic lens so that the first laser beam and the second laser beam have a same beam length on a surface of a semiconductor film, wherein a focal point of the first laser beam is different from that of the second laser beam. These features are supported in the published specification, for example, at paragraphs [0060]-[0062] and Figure 7. For the reasons provided below, the Applicant respectfully submits that Ishida and Takaura do not teach the above-referenced features of the present invention, either explicitly or inherently.

It is respectfully submitted that Ishida only potentially discloses emitting a single laser beam from a laser oscillator as shown in Figure 4; hence, Ishida does not anticipate a first and second laser beam or the above referenced features of the present invention. Additionally, it is respectfully submitted that Takaura fails to disclose passing the first laser beam and the second laser beam having the same optical axis through a cylindrical achromatic lens so that the first laser beam and the second laser beam have a same beam length on a surface of a semiconductor film; crystallizing the semiconductor film by irradiating the semiconductor film with the first laser beam and the second laser beam having the same optical axis and the same beam length, or that a focal point of the first laser beam is different from that of the second laser beam.

Since Ishida and Takaura do not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

The Official Action rejects claims 23 and 28 as obvious based on the combination of Takaura and U.S. Publication No. 2003/0025118 to Yamazaki. The Applicant

respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Please incorporate the arguments above with respect to the deficiencies in Takaura. Yamazaki does not cure the deficiencies in Takaura. The Official Action relies on Yamazaki to allegedly teach the features of the dependent claims. Specifically, the Official Action relies on Yamazaki to allegedly teach that a semiconductor device is incorporated into an electronic appliance selected from the group consisting of a video camera, a digital camera, a goggle-type display, a navigation system, a car audio, an audio compo, a computer, a game machine, a mobile computer, a mobile phone, a mobile game machine, an electronic book and an image reproduction device. However, Takaura and Yamazaki, either alone or in combination, do not teach or suggest passing the first laser beam and the second laser beam having the same optical axis through a cylindrical achromatic lens so that the first


laser beam and the second laser beam have a same beam length on a surface of a semiconductor film; crystallizing the semiconductor film by irradiating the semiconductor film with the first laser beam and the second laser beam having the same optical axis and the same beam length, or that a focal point of the first laser beam is different from that of the second laser beam. Since Takaura and Yamazaki do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claims 45-48 have been added to recite additional protection to which the Applicant is entitled. For at least the reasons stated above, the Applicant respectfully submits that new claims 45-48 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,



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